

Remarks/Arguments

Amendments to claims 1 and 15 are supported by the paragraph on page 24 of the specification. Since the amendments are supported by the specification and do not introduce new matter, their entry is requested.

Claims 1 and 2 are canceled. Claims 4-8 and 12-16 are pending in this application.

I. Remarks regarding § 102

Claims 8, 13, 14 and 16 stand rejected under 35 U.S.C. § 102 as allegedly anticipated by Stemple '92 (Stemple '92 Cell 71:973-985, 1992). Applicants respectfully traverse.

Claims 8, 13, 14 and currently amended 16 depend on claim 15. Claim 15, as currently amended, is not anticipated or obvious in view of Stemple '92. The argument for Applicant's position is stated below. For this reason, the rejection of claims 8, 13, 14, and 16 under 35 U.S.C. § 102 are moot and should be withdrawn.

II. Remarks regarding § 103

All the pending claims stand rejected under 35 U.S.C. § 103 as allegedly obvious over Lo (Lo et al., Perspectives Dev. Neurobiol. 2:191-201 1994), Stemple '93 (Stemple et al., Dev. Biol. 159:12-13, 1993), Stemple '92 (Stemple '92 Cell 71:973-985, 1992), and Martucciello (Martucciello et al., J. Pediatric Surgery, 30:433-436). Applicants respectfully traverse.

Applicants has amended the claims to add the step of culturing a cell population after selection with antibody and the step of selecting a subpopulation of cells from the culture based

on cellular phenotype in culture. Since these steps are not disclosed or suggested in the cited references, the claims, as amended cannot be obvious in view of Lo, Stemple '93, Stemple '92 and Martucciello. For this reason, the withdrawal of the rejection of claims 1, 2, 4-8 and 12-16 in view of Lo, Stemple '93, Stemple '92 and Martucciello is requested.

III. CONCLUSION

Applicants believe that the claims are allowable in view of the amendments and remarks. Accordingly, Applicants respectfully requests favorable reconsideration and early passage to issue of the present application. Should the Examiner be of the opinion after reviewing Applicant's response that the present application is not in condition for allowance, or that certain claims are not in condition for allowance, Applicants respectfully requests that the Examiner contact Applicant's below named representative prior to issuing an Action, so that any issues may be resolved immediately through, for example, an Examiner amendment or a Supplemental Amendment to be filed by Applicants.

It is believed that no fees, other than that for extending the time for maintaining the pendency of the application and for the RCE filing, are due. In the event that it is determined that fees are due, however, the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0311.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 692-6202. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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